

SENATE BILL 2516
By Haynes

AN ACT to amend Tennessee Code Annotated, Title 46, Chapter 2, Part 4; Title 62, Chapter 5, Part 4; Title 67, Chapter 6, Part 3 and Title 67, Chapter 6, Part 5, relative to the payment of taxes on burial merchandise and services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 46-2-403, is amended by adding a new subsection thereto, as follows:

() The seller shall offer the purchaser the option to pay any applicable sales or use tax on the selected merchandise or services at the time the contract is entered into. If the purchaser chooses to pay the tax, it shall be remitted to the department by the seller, and shall be considered full payment for the sales or use tax on the selected merchandise or services despite any changes in tax rate or cost of merchandise or services which may occur by the time of actual use. If the purchaser later cancels the pre-need contract, the amount of tax paid shall be refunded by the seller who may then claim that amount as a credit against any sales or use tax then due from the seller.

SECTION 2. Tennessee Code Annotated, Section 62-5-403, is amended by adding a new subsection thereto, as follows:

() The seller shall offer the purchaser the option to pay any applicable sales or use tax in the related merchandise or services at the time the contract is entered into. If the purchaser chooses to pay the tax, it shall be remitted to the department by the seller and shall be considered full payment for the sales or use tax on the selected merchandise or services despite any changes in tax rate or cost of merchandise or

services which may occur by the time of actual use. If the purchaser selected a revocable contract and later chooses to revoke, the amount of tax paid shall be refunded by the seller who may then claim that amount as a credit against any sales or use tax then due from the seller.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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